

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
AT TACOMA

BARBARA S. LINTHICUM,

Plaintiff,

v.

NANCY A. BERRYHILL, Acting  
Commissioner of the Social Security  
Administration,<sup>1</sup>

Defendant.

CASE NO. 3:16-cv-05048 JRC

ORDER ON UNOPPOSED MOTION  
FOR EQUAL ACCESS TO JUSTICE  
ACT FEES, EXPENSES, AND  
COSTS

This Court has jurisdiction pursuant to 28 U.S.C. § 636(c), Fed. R. Civ. P. 73 and Local Magistrate Judge Rule MJR 13 (*see also* Notice of Initial Assignment to a U.S. Magistrate Judge and Consent Form, Dkt. 5; Consent to Proceed Before a United States Magistrate Judge, Dkt. 6).

This matter is before the Court on plaintiff's Motion for Equal Access to Justice Act Fees, Expenses, and Costs (*see* Dkt. 18). Defendant has no objection to plaintiff's motion (*see* Dkt. 20).

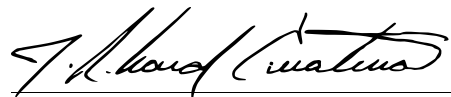
<sup>1</sup> Nancy A. Berryhill is now the Acting Commissioner of Social Security. Pursuant to Rule 25(d) of the Federal Rules of Civil Procedure, Nancy A. Berryhill should be substituted for Acting Commissioner Carolyn W. Colvin as the defendant in this suit. No further action needs to be taken to continue this suit by reason of the last sentence of section 205(g) of the Social Security Act, 42 U.S.C. § 405(g).

1 Based on the Equal Access to Justice Act, 28 U.S.C. § 2412, (“EAJA”), plaintiff’s motion  
2 and memorandum (*see* Dkt. 18), the attorney declaration and time and expense itemizations (Dkt.  
3 19, Attachments 1, 2, 3), and the relevant record, it is hereby ORDERED that EAJA attorney’s  
4 fees of \$5,022.40 and expenses in the amount of \$11.82 (postage), shall be awarded to plaintiff  
5 pursuant to the EAJA and consistent with *Astrue v. Ratliff*, 130 S.Ct. 2521, 2524, 2010 U.S.  
6 LEXIS 4763 at \*\*\*6-\*\*\*7 (2010).

7 It is further ORDERED that costs in the amount of \$63.23 (printing charges) shall be  
8 awarded to plaintiff pursuant to 28 U.S.C. §1920.

9 The Acting Commissioner shall contact the Department of Treasury after the Order for  
10 EAJA fees, expenses, and costs is entered to determine if the EAJA fees, expenses, and costs are  
11 subject to any offset. If it is determined that plaintiff’s EAJA fees, expenses, and costs are not  
12 subject to any offset allowed pursuant to the Department of the Treasury’s Offset Program, then  
13 the check for EAJA fees, expenses, and costs shall be made payable to Francisco Rodriguez,  
14 Esq., based on plaintiff’s assignment of these amounts to plaintiff’s attorney (*see* Contract of  
15 Employment-Federal Court Only, Dkt. 19, Attachment 4). If there is an offset, the remainder  
16 shall be made payable to plaintiff, based on the practice of the Department of the Treasury (*see*,  
17 *e.g.*, Case No. 2:15-cv-122, Dkt. 22, p. 4). Any check for EAJA fees, expenses, and costs shall be  
18 mailed to plaintiff’s counsel, Francisco Rodriguez, Esq., at Law Office of Francisco Rodriguez,  
19 P.O. Box 31844, Seattle, WA 98103.

20 Dated this 31st day of January, 2017.

21   
22 J. Richard Creatura  
23 United States Magistrate Judge  
24